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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/900,337

07/06/2001

Jean-Luc Bonifas

PHFR 000073

4942

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07/19/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

KIM, KEVIN

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,337

Applicant(s)

BONIFAS, JEAN-LUC

Examiner

Kevin Y. Kim

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5-2-2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5,7,8,11-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5,8,11-13 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 7 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed May 2, 2006, with respect to the rejection(s) of claim(s) 2,3,10,11,16 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Blasbalg et al (US 3,700,820).

Applicant traverses the rejection of claims 2,3,10,11,16 on the ground that the Driessen et al patent fails to teach the quantity of the redundancy data as a function of the error rate of the communication channel. In this action, a US patent to Blasbalg et al is provided to establish that such a feature is well known in the art, as asserted in the previous Office action.

Claim Objections

2. Claim 16 is objected to because of the following informalities: it depends on a cancelled claim 9. In light of the context of the claims, claim 16 appears to be meant to depend on claim 11 and will be treated as such. Appropriate correction is required.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 3-5,8,11-13 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Driessen et al (US 6,850,559 previously cited) in view of Blasbalg et al (US 3,700,820).

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Claims 3, 8, 11, 17 and 18.

Driessen et al discloses a transmitter (110) and method designed for transmitting frame of primary digital data protected against errors to a receiver (140) via a communication channel (130), comprising;

means for generating frames (111), see Figs.1 and 2;

attribution means (220) for attributing a priority level to each of the frames, see col. 6, lines 35-38,

protection means for adding redundancy data packets (230) to the frames, see col.7, lines 3-7, wherein the quantity of the redundancy data packets is a function of the level of the priority of the frame, see col. 2, lines 4-11, wherein;

the assignment of the priority/significance level to a frame/subunit involves a two-step process of identifying the type of data in the frame/subunit, see col.6, lines 55-60, and using a predetermined correspondence table that relates a particular level to the identified data.

Driessen et al fails to teach the quantity of the redundancy data packets is a function of the error rate of the communication channel. Blasbalg et al teaches that as the error rate of the received signal increases the number of redundancy bits transmitted is increased to compensate for the error causing conditions. Thus, it would have been obvious to one skilled in the art at the time the invention was made to vary the quantity of CRC bits proportionally to the error rate of the communication channel for the purpose of reducing error to an acceptable level.

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Driessen et al further describes that not transmitting lower priority data depending on the availability of bandwidth. See col. 10, lines 43-53.

Claims 4 and 12

Driessen et al in view of Blasbalg et al discloses all the subject matter claimed except for a control means that limit the data rate to the maximum passband of the communication channel. However, since a data rate over the maximum data rate the communication channel can handle would cause increased error rate, it would have been obvious to one skilled in the art to provide a control means to limit the data rate to the maximum passband of the communication channel to set the error rate to an acceptable level.

Claims 5 and 13.

Driessen et al discloses the frame generating means (111) delivers a single flow of data.

Claim 16.

See col.12 describing various implementations including a programmed microcontroller

Allowable Subject Matter

5. Claims 7 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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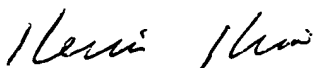
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 17, 2006

AU 2611



KEVIN KIM
PATENT EXAMINER